

# City of Costa Mesa

## Inter Office Memorandum

**TO:** Planning Commission

**FROM:** Mel Lee, AICP, Senior Planner *MEW*

**DATE:** April 6, 2005

**SUBJECT: SUPPLEMENTAL INFORMATION  
PLANNING APPLICATION PA-04-49  
814 W. 19<sup>TH</sup> STREET  
PLANNING COMMISSION MEETING OF APRIL 11, 2005**

This supplemental memorandum has been prepared to respond to Planning Commissioner comments and questions received after publication of the Planning Commission Agenda Report for PA-04-49, a conditional use permit to establish a contractor's business with outdoor storage at 814 W. 19<sup>th</sup> Street.

1. **What is the status of the Deputy City Attorney's review?** The Deputy City Attorney is working with the applicant and researching the issue of allowing the CUP to terminate if the area is redeveloped. An update will be provided at the hearing.
2. **Can the proposed contractor office be approved as an "office only" without CUP?** Code Section 13-30(70) categorizes contracting, general contractors, and operative builders as a conditional use in C1 (the zoning of the subject property) and a permitted use in C2 and industrial zones. Because the land use matrix does not contain a category for "office only" contractors, a conditional use permit would still be required. For example, in the instance of a contractor being an office use only, a condition of approval would be required stipulating that the use is office only (i.e., no outdoor storage would be permitted).

Attachment: Planning Staff Report from March 14, 2005 meeting

cc: Deputy City Mgr. - Dev. Services  
Deputy City Attorney  
City Engineer (2)  
Fire Prevention  
Staff (4)  
File (2)

Michael D. Faulkner  
944 Cedar Place  
Costa Mesa, CA 92627

Norma Dias  
203 Susannah Place  
Costa Mesa, CA 92627



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: APRIL 11, 2005

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-04-49  
814 W. 19<sup>TH</sup> STREET

DATE: MARCH 29, 2005

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER  
(714) 754-5611

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## **PROJECT DESCRIPTION**

The applicant is requesting approval of a conditional use permit to establish a contractor's business with outdoor storage.

## **BACKGROUND**

At the March 14, 2005, meeting, Planning Commission considered the request by Norman Dias, the applicant. The hearing was continued to the meeting of April 11, 2005 to allow the City Attorney's office time to research the possibility of adding a condition of approval requiring a signed agreement that when or if redevelopment takes place in the area, the applicant would abandon the CUP. Staff will provide an update on this issue at the study session.

  
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MEL LEE, AICP  
Senior Planner

  
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R. MICHAEL ROBINSON, AICP  
Asst. Development Services Director

cc: Deputy City Manager - Dev. Svcs.  
Senior Deputy City Attorney  
City Engineer  
Fire Protection Analyst  
Staff (4)  
File (2)

Michael D. Faulkner  
944 Cedar Place  
Costa Mesa, CA 92627

Norman Dias  
203 Susannah Place  
Costa Mesa, CA 92627



# **PLANNING COMMISSION**

## **AGENDA REPORT**

MEETING DATE: MARCH 14, 2005

ITEM NUMBER: *III.4*

SUBJECT: PLANNING APPLICATION PA-04-49  
814 W. 19<sup>TH</sup> STREET

DATE: MARCH 4, 2005

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER  
(714) 754-5611

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### **PROJECT DESCRIPTION**

The applicant is requesting approval of a conditional use permit to establish a contractor's business with outdoor storage.

### **APPLICANT**

The applicant is Norman Dias, representing the property owner, Michael D. Faulkner.

### **RECOMMENDATION**

Approve by adoption of Planning Commission resolution, subject to conditions.

MEL LEE, AICP  
Senior Planner

R. MICHAEL ROBINSON, AICP  
Asst. Development Services Director

## **BACKGROUND**

In 1980, a conditional use permit was approved to allow Faulkner's Lawnmower Shop, which provides sales and repair of lawnmower equipment, to occupy the building.

## **ANALYSIS**

The applicant is proposing to operate a contractor's business with outdoor storage at the site. According to the applicant, the front portion of the existing building would be used for office space for the applicant's construction contractor's business; the rear portion of the existing building would be used for storage of construction materials. Some materials will also be stored outside the building at the rear of the site (where the lawnmowers are currently stored). The area at the rear of the building is not striped for parking spaces; however, plans submitted by the applicant show 4 proposed parking spaces at the rear of the building (there is 1 existing parking space at the front of the building). The applicant states that they will have a maximum of two employees, so the area at the rear of the building should be large enough to accommodate employee parking and outdoor storage.

It is staff's opinion that the proposed use will be compatible with the surrounding area, which contain other commercial businesses. The property is approximately 270 feet from the nearest residentially-zoned property to the west of the site. Staff has incorporated conditions of approval to minimize adverse impacts on the adjacent properties, including a condition requiring that the use be conducted in a manner that will allow the quiet enjoyment of the surrounding neighborhood and that the outdoor storage shall be modified if it interferes with on-site parking for customers and employees. The applicant will also be required to comply with Code Section 13-44 (Commercial Development Standards) so that the outdoor storage does not interfere with required parking or vehicle circulation, and is required to be screened from view of the street and surrounding properties.

In 2003, Planning Commission approved a conditional use permit (CUP) for the Avalon Bar at 820 W. 19<sup>th</sup> Street (one property to the west of the subject property). The proposed outdoor storage will not interfere with the parking for the Avalon Bar because as part of the approval for Avalon's CUP a condition was included allowing the two properties to be separated by a chain link fence and gate to prevent patrons of the Garibaldi De Noche Bar (to the east of the subject property at 810 W. 19<sup>th</sup> Street) from accessing and using Avalon's parking area. Additionally, the approval of the Avalon CUP did not include off-site parking for the subject site. Since the opening of Avalon, the City has not received any complaints of parking problems.

## **ALTERNATIVES**

If the application is denied, the use cannot be established on the property. The property could still be used by the lawnmower shop or another use not subject to a conditional use permit.

**RESOLUTION NO. PC-05-**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF COSTA MESA APPROVING PLANNING  
APPLICATION PA-04-49**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Norman Dias, authorized agent for Michael D. Faulkner, with respect to the real property located at 814 W. 19<sup>th</sup> Street, requesting approval of a conditional use permit to establish a contractor's business with outdoor storage; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 14, 2005;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-04-49 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this resolution is expressly predicated upon the activity as described in the staff report for PA-04-49 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, then this resolution, and any recommendation for approval herein contained, shall be deemed null and void.

**PASSED AND ADOPTED this 14th day of March, 2005.**

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Chair, Costa Mesa  
Planning Commission

**EXHIBIT "A"****FINDINGS**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed development and use is compatible and harmonious with uses on surrounding properties.
  2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
  3. The project is consistent with the General Plan.
  4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the proposed use will be compatible with the surrounding area, which are commercial uses. The property is not adjacent to any residentially-zoned properties. The applicant will be required to comply with code so that the outdoor storage does not interfere with required parking or vehicle circulation, and will be screened from view of the street and surrounding properties. Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan designation for the property.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

# PLANNING DIVISION - CITY OF COVINA MESA

## DESCRIPTION/JUSTIFICATION

Application #: **PA-04-49**

Environmental Determination: **Exempt**

Address: **814 W. 19TH ST.**

### 1. Fully describe your request:

I would like to buy the property currently owned and occupied by Faulkner's Lawnmower Shop and turn the space into office and storage for my small construction business. I want to clean up the property and building, and intend to put office in the front area of the building and storage in the back area of the building.

### 2. Justification

- A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

The proposed use would be very compatible within this area. An office building fits with the existing real estate and doctor office buildings, yet the traffic created by my proposed office would be very minimal. Parking would be easily accommodated where there are only 2 office employees, creating less impact on the retail and restaurant uses on either side of the building.

- B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

### 3. This project is: (check where appropriate)

☐ In a flood zone.

☐ Subject to future street widening.

☐ In the Redevelopment Area.

☐ In a Specific Plan Area.

### 4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

☒ Is not included in the publication indicated above.

☐ Is included in the publication indicated above.

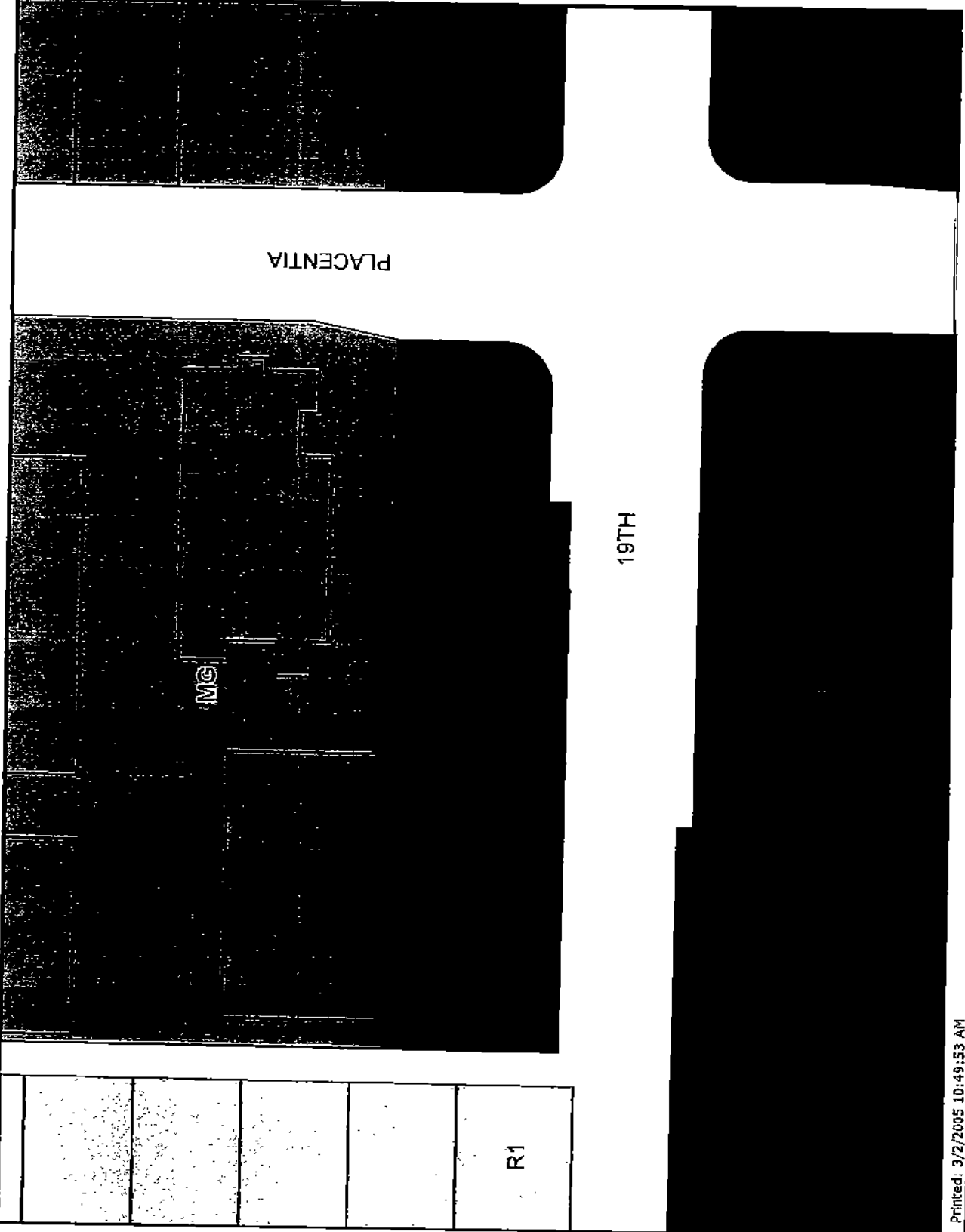
Signature

Date

March 1996

# ZONING/LOCATION MAP

PA-04-49



## Legend

Street Names

Parcel Lines

Zoning

- AP
- C1
- C1-S
- C2
- CL
- I&R
- I&R-S
- MG
- MP
- P
- PDC
- PDI
- PDR-HD
- PDR-LD
- PDR-MD
- PDR-NCM
- R1
- R2-HD
- R2-MD
- R3
- TC
- Dwelling General

General Plan Specific Land

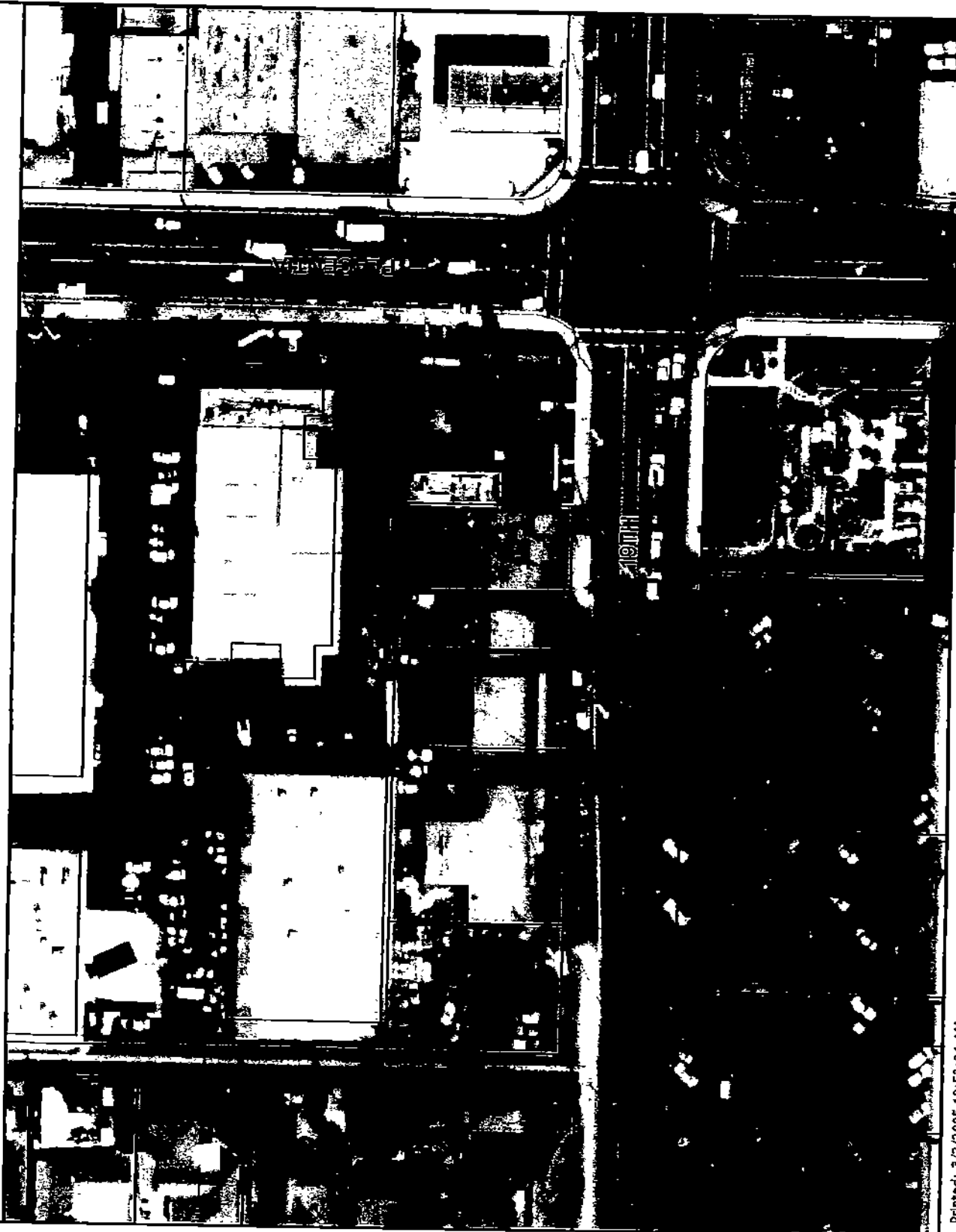
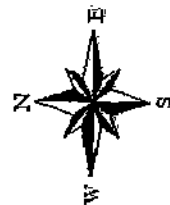
Parcels



# 814 W. 19TH STREET

## Legend

- Street Names
- Parcel Lines
- Dwelling
- General
- General Plan
- Specific Land
- Ortho
- Photography
- Parcels



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